

THE UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,) No. 8:05cr282
v.)
WILLIAM SCHWENING,)
RUSSELL HOFFMANN,)
Defendants.)

ORDER

Defendant Russell Hoffmann moved this Court for an Order pursuant to Rule 7(f) of the Federal Rules of Criminal Procedure directing the Government to furnish him with a Bill of Particulars of the matters alleged in the indictment herein. Upon consideration of the parties' positions in this matter and for good cause shown, it is hereby

ORDERED that within 20 days of the date of this Order, the government provide Defendant Russell Hoffmann the following particulars:

1. With respect to Counts 6-9, Paragraph 1 of the Indictment, identify the acts which comprise the "official acts performed and to be performed by such public official" with respect to each gratuity.
2. With respect to Counts 6-9, Paragraph 1 of the Indictment, identify and describe defendant Hoffmann's conduct and participation in "knowingly" giving, offering and promising "items of value"
3. With respect to Counts 6-9, Paragraph 1(h) of the Indictment, identify and describe defendant Hoffmann's conduct and participation in the payment of "things of value." Identify specifically any "official acts" that "were, or would be, performed by Schwening." Further identify and describe the "confidential government estimates" "share[d]" with defendant Hoffmann. Identify and describe the "advance notice" received by defendant Hoffmann and the "target price." Identify and describe defendant Schwening's conduct and participation when "solicit[ing] pricing information from Surdex" and "us[ing] that information in constructing the

government estimate" to insure that "Surdex's proposal would be lower than the government estimate." Identify and describe defendant Schwening's conduct and participation on the Source Selection Evaluation Boards and his recommendation of Surdex. Identify and describe the "highly favorable evaluations of Surdex's performance" and "Surdex representatives." Identify and describe the conduct and participation of defendant Hoffmann in "draft[ing] the response to the inquiry which Schwening would then submit as his own opinion."

4. With respect to Counts 1-5, Paragraph 1(g) of the Indictment, identify and describe defendant Hoffmann's conduct and participation in giving Schwening "things of value."

5. With respect to Counts 6-9, Paragraph 1(d) of the Indictment, identify and describe the "duty of preparing 'government estimates' of costs" and how "such government estimates are to be prepared independently by employees of the Corps." Further identify and describe "fair and reasonable" proposals.

6. With respect to Counts 6-9, Paragraph 1(f) of the Indictment, identify and describe the conduct and participation of defendant Schwening when "tasked with preparing government estimates" that were used "in evaluating the reasonableness of Surdex's performance. Further identify and describe the conduct and participation of defendant Schwening when "asked to evaluate the performance of Surdex."

DATED this 6th day of January, 2006.

BY THE COURT:

s/Joseph F. Bataillon
JOSEPH F. BATAILLON
UNITED STATES DISTRICT JUDGE